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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CR 09-0033 WHA
	)	
Plaintiff,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER EXCLUDING TIME</b>
v.	)	
	)	
JEFFREY D. SCHINKEL,	)	
	)	
Defendant.	)	
_____	)	

On April 14, 2009, the parties in this case appeared before the Court for identification of counsel and a detention hearing. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from April 14, 2009, through May 5, 2009, for effective preparation of defense counsel. The parties represented that granting the continuance would allow the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties also agreed that the ends of justice served by granting such a continuance outweighed the best

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interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

/s/

DATED: May 5, 2009

OWEN P. MARTIKAN  
Assistant United States Attorney

/s/

DATED: May 5, 2009

EDWIN K. PRATHER  
Attorney for Jeffrey D. Schinkel

**[PROPOSED] ORDER**

As the Court found on April 14, 2009, and for the reasons stated above, an exclusion of time from April 14, 2009, through May 5, 2009, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(7)(B)(iv).

SO ORDERED.

DATED: May 6, 2009

HON. WILLIAM H. ALSUP  
United States District Judge

